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IN THE U.S. PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application of:

SERIAL NO. : 10/608,173
APPLICANTS : Chipchase et al.
FILING DATE : June 27, 2003
ART UNIT : 2618
EXAMINER : Rego, Dominic E.

DOCKET NO. : 863.0041.U1(US)
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TITLE : A REPOSITORY FOR A MOBILE PHONE

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Sir:

This Reply Brief is submitted pursuant to MPEP §1208 in response to an Examiner's Answer mailed on September 25, 2007 for an Appeal relating to the above-captioned U.S. Patent Application. It is noted that November 25, 2007, the date two months from the mailing date of the Examiner's Answer, falls on a Sunday. As such, this Reply Brief is submitted on Monday, November 26, 2007, the next succeeding business day, and is believed to be timely. Thus, no petition for an extension of time or fee is believed to be due. However, should the undersigned agent be mistaken, please consider this a petition for any extension of time (i.e., under 37 C.F.R. §1.136(b)) that may be required for submission of this Reply Brief, and charge deposit account no. 50-1924 for any required fee deficiency.

ARGUMENTS

Contrary to the Examiner's assertion on page 2 of the Examiner's Answer, the Appeal Brief filed on March 23, 2007 included a section regarding "Related Appeals and Interferences" (Section (2)) on page 2 of the Appeal Brief.

The below arguments are arranged according to the sections presented in the Appeal Brief. If a section is not included below, no further arguments are presented for that section beyond those already present in the Appeal Brief. The exclusion of one or more sections in the below arguments should not be construed as an admission that the Applicant/Appellant agrees with the Examiner on that point. The arguments presented in the Appeal Brief are maintained.

A. ISSUE A

Many of the arguments the Examiner puts forth in the Examiner's Answer are based on further consideration of Figure 16 of Bork. The only description Bork provides regarding Figure 16 is at col. 6, lines 6-13:

FIG. 16 illustrates the system of FIG. 13 further including a mobile device with a Bluetooth radio 54. In this particular embodiment, mobile device 54 is a cellular telephone that includes a transceiver and antenna to communicate with cellular telephone base stations and includes a transceiver and antenna to communicate with low power short distance wireless devices. FIG. 17 illustrates a system implementation of the block diagram of FIG. 16.

Figure 16 merely expands on Figures 10-15 by showing that the mobile device 54 may itself include "a transceiver and antenna to communicate with low power short distance wireless devices" (i.e., that the mobile device 54 is Bluetooth enabled). As such, Figure 16 is very similar to Figure 14. Furthermore, Figure 17, which "illustrates a system implementation of the block diagram of FIG. 16," is identical to Figure 15.

Based on the above, it is believed that the Examiner's further citations to and consideration of Figure 16 do not substantially alter the previous arguments presented by the Applicant/Appellant. However, notwithstanding this, further arguments in response to the Examiner's Answer are briefly and succinctly presented below.

A1. Claims 1, 5, 6 and 10

Bork does not disclose that the cradle 46 is configured to support anything other than the mobile device 52. The Examiner does not dispute this fact but asserts that there is "plenty of space to put some coins or car keys for supporting them." See Examiner's Answer, page 12, Section (A). Since Bork does not disclose this matter, at the very least the rejection should be for obviousness under 35 U.S.C. §103 and not anticipation under 35 U.S.C. §102.

Notwithstanding the above, there is simply no support for the Examiner's assertion. No dimensions are presented for the cradle 46 that would enable one to infer such functionality. The functionality is not disclosed by Bork and it would be erroneous to infer its presence. The cradle 46 is designed "to enable short distance wireless communication between a personal computer (10) and at least one other short distance wireless communication enabled electronic device (50)." See Bork, Abstract. There is no indication that the cradle 46 is further designed "for supporting simultaneously a plurality of objects including a mobile phone **and at least one other object**," as recited in claim 1 of the instant application.

In the Examiner's Answer (and not in the Final Office Action of June 1, 2006), the Examiner asserted that undisclosed elements of the PC 10 ("a keypad in PC 10 for entering data or information") disclose "a user interface responsive to the wireless communication means for

providing information to a user received in the transferred data," as recited in claim 1. See Examiner's Answer, pages 13-14, Sections (C) and (D).

Since Bork does not disclose this matter, at the very least the rejection should be for obviousness under 35 U.S.C. §103 and not anticipation under 35 U.S.C. §102.

Furthermore, this argument by the Examiner runs counter to the Examiner's basic assertion that the cradle 46 of Bork discloses the repository recited in claim 1. Bork's cradle 46 does not itself have a user interface of any sort. There is no disclosure or suggestion by Bork that a user can interact with the cradle 46 via a user interface (e.g., that the cradle 46 can "provid[e] information to a user"). Even if the PC 10 were to include a keypad, said keypad would not form a part of the cradle 46. The cradle 46 is a separate component from the PC 10 and this is very evident from Figures 10-17. Thus, whether or not the PC 10 includes a keypad or any other component is immaterial to the alleged anticipation of the user interface recited in claim 1.

A2. Claims 2, 3 and 7

It is noted that despite the Examiner's assertions, there is no disclosure or suggestion by Bork that the cradle 46 "is arranged to detect proximal objects by communication therewith," as recited in claim 2. The Examiner's arguments to the contrary are based on mere assertions regarding possible Bluetooth functionality. Bluetooth does not *always* operate in such a fashion and Bluetooth devices may operate without "detect[ing] proximal objects by communication therewith." It would be erroneous to infer that mere discussion of Bluetooth simultaneous implies disclosure of "detect[ing] proximal objects by communication therewith," as recited in claim 2.

A3. Claim 9

According to the Examiner, any support with a horizontal surface that can hold objects is a shelf. Contrary to the Examiner's assertion, not every horizontal surface is considered a "shelf." If one lays a book on the floor or on a table, clearly the book is not a "shelf" even though it comprises "a support that consists of a horizontal surface for holding objects." The Examiner's definition is overly broad. The definitions presented in the Appeal Brief are more relevant to claim 9.

B1. Claim 4

The Examiner simply asserts it would be "obvious to substitute the short range transceiver 44 in Figure 17 to RFID detector to detect an object with a RFID tag when the object is in close range of the cradle 46." No such disclosure or suggestion is made by Bork nor would one of ordinary skill in the art consider the subject matter recited in claim 4 to be obvious in view of the disclosure of Bork and Strieber.

CONCLUSION

The Applicant/Appellant respectfully requests that the Board reverse the final rejection of claims 1-16 in the Final Office Action of June 1, 2006, and further that the Board rule that the pending claims are patentable over the cited art.

Respectfully submitted:

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